

REMARKS

Claims 19-41, 46-52, and 54-56 are pending. Claims 19, 36, 41, 47, 52, and 54 have been amended. Claims 42-45, 53, and 57-68 have been cancelled without prejudice.

Applicant thanks the Examiner taking time to speak with Applicant's representative on May 14, 2009. The Examiner and Applicant's representative discussed claim 19 and agreed that the present amendment to claim 19 distinguishes over U.S. Patent No. 6,274,917 ("Fan").

Claims 19, 20, 23, 25, 27, 29, and 32-35 stand rejected under 35 U.S.C. § 102(e) as anticipated by Fan.

As noted above, the Examiner and Applicant's representative agreed that the present amendment to claim 19 distinguishes over Fan. Therefore, the rejection of claim 19 should be withdrawn.

Claims 20, 23, 25, 27, 29, 30 and 32-35 depend from claim 19 and are allowable over Fan for at least the reasons stated above with respect to claim 19 and on their own merits. Therefore, the rejection of claims 20, 23, 25, 27, 29, 30 and 32-35 should be withdrawn.

Claim 52 stands rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,727,521 ("Merrill").

Claim 52 has been amended to incorporate the limitations of former dependent claim 53, which the Office Action acknowledged as reciting allowable subject matter. Therefore, the rejection of claim 52 should be withdrawn.

Withdrawn claim 36 has been amended to recite a limitation similar to that of claim 19, which the Examiner previously agreed was allowable over Fan. Allowable claim 19 is generic to withdrawn/amended claim 36 because claim 36 requires two optical mask layers whereas claim 19 requires one optical mask layer and does not preclude additional optical mask layers. Therefore, claim 36 and its dependent claims 37-40 should be rejoined and allowed. See 37 CFR § 1.141(a).

Withdrawn claim 41 has been amended to recite a limitation similar to that of claim 19, which the Examiner previously agreed was allowable over Fan. Allowable claim 19 is generic to withdrawn/amended claim 41 because the claims recite similar limitations except that claim 41 additionally requires the optical elements to have certain properties. Therefore, claim 41 and its dependent claims 46-51 should be rejoined and allowed. See 37 CFR § 1.141(a).

In view of the above, Applicant believes the pending application is in condition for allowance and respectfully requests that it be passed to issue.

Dated: May 15, 2009

Respectfully submitted,

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